

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Comment on the Thousand	)	
Block Pooling Administrator	)	CC Docket No. 99-200
Technical Requirements	)	DA No. 05-3102

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**COMMENTS OF THE MAINE PUBLIC UTILITIES COMMISSION**

The Maine Public Utilities Commission (MPUC) submits these Comments on the Thousand Block Pooling Administrator Technical Requirements (Requirements). The MPUC respectfully requests that the Federal Communications Commission (FCC) modify section 2.14.1 of the Requirements to remove the obligation of the Pooling Administrator (PA) to rely solely upon forecasted demand when determining the level of resources needed in a particular wire center pool and, instead, reinstate the existing provisions that allow the PA to analyze the forecast data in order to determine the appropriate level of resources.

**I. BACKGROUND**

Maine was one of the first states in the country to implement thousand block pooling and, as such, has had over six years of experience with pooling. During that time, we have worked very closely with the PA and participated in numerous proceedings, committees, and panels concerning the pooling process. Pooling has been extremely successful in Maine. In 1998, the North American Numbering Plan

Administrator (NANPA) informed us that Maine would need a new area code by June 2000; today NANPA conservatively estimates that we will not need a new area code until 2013. Our success, in large part, rests on the MPUC's diligent monitoring of number resource applications and on enforcement of our facilities readiness requirements. In addition, we have worked closely with the PA to ensure that the historic demand for resources in particular rate centers is considered before a new central office code (NXX) is opened to meet an anticipated, but not actual, need for resources. This approach has been extremely successful in Maine and we are unaware of any service provider who has been unnecessarily delayed in obtaining numbering resources.<sup>1</sup>

## II. COMMENTS

While we generally do not oppose the Requirements proposed by the North American Numbering Council (NANC), we disagree with the manner in which the PA will be required to treat service provider forecasts. Specifically, under the proposed Requirements, the PA will be required to rely solely upon forecasted demand when determining the appropriate pool level for each wire center; no independent judgment or consideration of historical take rates and other factors will be allowed. That approach will result in the premature assignment of numbering resources to a particular wire center and the premature exhaust of both NPAs and the NANP.

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<sup>1</sup> Service providers have been denied or delayed access to resources for other legitimate reasons, such as failure to file NRUF forms and lack of certification.

Currently, the PA is allowed to exercise judgment when determining how many blocks are necessary for an individual wire center pool in order to meet the forecasted demand. The PA does not automatically open new NXX codes for the sole purpose of filling the pool for a rate center based only on service provider forecasts. Instead, the PA not only reviews the service provider forecasts, but also considers the history of the particular rate center, overall trends in the market, and other relevant factors.<sup>2</sup>

The PA's approach has proven to be both workable (from a service provider perspective) and sensible (from a regulator's perspective) because it allows carriers ready access to numbering resources while at the same time avoiding prematurely assigning those resources to a particular rate center. Indeed, a recent review by the MPUC of the forecasted "need" for thousands blocks and the actual take rate shows a great disparity between the two. Service providers routinely overestimate their numbering needs, in part because the system unintentionally encourages such behavior by requiring a service provider who has not forecasted for enough blocks in a particular rate center to alter its forecast before it can receive the numbers – a rather clumsy and tedious exercise which encourages providers to overestimate their needs.

In Maine, during 2004, service providers forecasted the need for approximately 513 thousands blocks but took 196 – only 38% of the forecasted need. In particular wire centers, individual carriers overestimated their needs by as many as 15 blocks – an overestimation of 1500%. If those service providers' forecasts had been followed, the PA could have unnecessarily opened up to 32 NXXs.

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<sup>2</sup> Such discretion on the part of the PA will become even more important if the FCC allows VOIP providers direct access to numbering resources because many VOIP providers have no experience with managing numbering resources and may be prone to over-estimating their needs.

The National Thousands Block Pooling Administrator 2004 Annual Report (PA 2004 Annual Report) shows that the trend in Maine applies nationwide. According to the PA, while service providers forecasted a need of 174,322 blocks nationwide, 37,150 were actually assigned – only 21% of the forecasted need. *See* PA 2004 Annual Report at 23. If the PA had opened NXXs to fill the forecasted demand, as many as 13,717 unnecessary NXXs would have been opened  $(174,322 - 37,150 / 10)$  – a number almost equal to the total number of NXX code requests made in all of 2004 (13,850). *See* NANPA 2004 Annual Report at 6. If this trend continued and each year double the actual number of needed NXXs were assigned, the NANP could exhaust in half the time currently projected – moving the date from 2035 to 2020. Indeed, the date could be even earlier because NANPA based its NANP exhaust projection on an average yearly demand of 6,500 NXXs, half of the actual demand for 2004 and half of the 13,717 extra NXXs that would have been opened if the pooling forecasts were followed. *See* NANPA 2004 Annual Report at 55.

Some might argue that there is no harm in keeping the pools fully stocked because unnecessary resources may be reclaimed. Such an approach does not work with thousand block pooling because, once an NXX is opened and the blocks assigned to a particular pool, service providers are free to pick blocks from that NXX. Thus, even if the PA later realizes it overstocked the pool, there may be no way to regain the full NXX because individual blocks have already been assigned. As the Commission is well aware, an NPA may be forced into jeopardy when the number of full NXXs reaches a certain level, even if there are hundreds of thousands of numbers sitting in individual

rate center pools. Thus, it is crucial that every effort be made to avoid prematurely opening full NXXs to fill pools where the need has not yet materialized.

The Commission should also take note of the minimal difference in time of availability between situations in which a block is available in a pool and situations in which the PA has to order a full NXX to fill the pool in order to meet the block request. Specifically, if the block is available in the pool, Section 7.4.4 of the INC Thousands Block Number Pooling Administration Guidelines provides that the numbers will be available within 21 days. If the PA must order a full NXX to fill the pool before assigning the block, the numbers will be available within 60 days – a difference of approximately 39 days, though often the time is shorter because the PA and NANPA work closely to move the process along. Indeed, according to NANPA's 2004 Annual Report, over 98% of all central office code applications were processed within 10 days. *See* NANPA 2004 Annual Report at 8.

Timing concerns are further minimized by the fact that a service provider should have at least 250 numbers available at the time it requests new resources, i.e. when the provider reaches the required 75% utilization threshold.<sup>3</sup> In this age in which wireline, wireless, and VOIP providers can easily port existing telephone numbers, it is difficult to imagine, especially in a state such as Maine, that a carrier's existing supply would not meet its need until the NXX was assigned. In addition, under the existing Guidelines, a carrier is allowed to exclude any numbers obtained within the last 90 days from its Months-to-Exhaust calculation when applying for new resources, thereby allowing the

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<sup>3</sup> This assumes the provider has only one block in a wire center. For each additional block it has in that wire center, it should have an additional 250 numbers available at the time it requests new resources.

carrier to maintain a supply of 1250 or more available numbers per wire center while applying for additional numbers. Accordingly, a carrier managing its numbering resources carefully would not be impacted by the potential 39-day lag if a block were not immediately available in a pool.

Given the facts described above, the MPUC opposes those portions of the proposed Requirements, in particular section 2.14.1, which would require the PA to use only forecasted demand when determining the level of the pool. Imposition of such a requirement will preclude the PA from exercising reasonable judgment and discretion and will result in the premature exhaust of both individual NPAs and the NANP.

If the Commission wishes to assuage any concerns from industry associated with allowing the PA to exercise discretion, it could put in place a safety valve measure which would allow service providers to bring to the Commission's attention any particular situations in which the PA's exercise of discretion appears unreasonable or repeatedly results in delays of resource availability. Such an approach would allow the PA to continue its practices which have benefited both the public and service providers by avoiding unnecessary NPA exhaust while affording relief in the limited circumstance in which service providers have been unnecessarily delayed in accessing numbering resources.

Avoiding the unnecessary adoption of another area code is an objective widely supported by Maine's elected officials and business community, and we believe that Maine is not unusual in this regard. We trust that the Commission will consider this

perspective and conclude that the present approach strikes a fair balance between their interests and those of the providers.

Respectfully,

MAINE PUBLIC UTILITIES COMMISSION

/s/ Trina M. Bragdon  
Trina M. Bragdon, Esq.  
Deputy Director of Telecommunications  
Maine Public Utilities Commission

Dated: December 28, 2005

CERTIFICATE OF SERVICE

I, Trina M. Bragdon, certify that these Comments of the Maine Public Utilities Commission were filed electronically with the Federal Communications Commission on this date.

/s/ Trina M. Bragdon  
Trina M. Bragdon

Dated: December 28, 2005